

REFERENCE TITLE: eminent domain; standards

State of Arizona  
Senate  
Forty-seventh Legislature  
Second Regular Session  
2006

## **SB 1091**

Introduced by  
Senators Arzberger, Bee, Chevront, Garcia; Representative Alvarez:  
Senators Aboud, Aguirre, Brotherton, Cannell, Harper, Waring;  
Representatives Burns J, Lopes, Lujan, Weiers JP

AN ACT

AMENDING SECTION 36-1478, ARIZONA REVISED STATUTES; RELATING TO SLUM  
CLEARANCE AND REDEVELOPMENT.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 36-1478, Arizona Revised Statutes, is amended to  
3 read:

4 36-1478. Eminent domain

5 A. A municipality may acquire by condemnation any interest in real  
6 property, including a fee simple title to that real property, ~~that~~ it deems  
7 necessary for or in connection with a redevelopment project under this  
8 article, after the adoption by the local governing body of a resolution  
9 declaring that the acquisition of the real property described in that  
10 resolution is necessary for those purposes.

11 B. Before a municipality may initiate a condemnation action it must  
12 make a good faith effort to negotiate the purchase of the property. If the  
13 municipality determines that it cannot acquire the property without the use  
14 of a condemnation action it must notify the property owner of the time, date  
15 and location of the public meeting concerning the municipality's proposed  
16 action. The municipality must provide this notice by certified mail to the  
17 property owner's address as stated on the most recent records of the county  
18 assessor.

19 C. The governing body of a municipality must authorize the  
20 condemnation of real property by a vote of at least two-thirds of its  
21 members. **IF THE REAL PROPERTY TO BE ACQUIRED BY CONDEMNATION IS FOR A  
22 REDEVELOPMENT PROJECT INVOLVING PRIVATE USE, THE GOVERNING BODY MUST FURTHER  
23 FIND BY A VOTE OF AT LEAST THREE-FOURTHS OF ITS MEMBERS THAT THERE ARE PUBLIC  
24 CHARACTERISTICS OR BENEFITS OF THE INTENDED USE THAT SUBSTANTIALLY OUTWEIGH  
25 THE PRIVATE NATURE OF THAT USE.**

26 D. A municipality may exercise the power of eminent domain in the  
27 manner provided in ~~articles 2 or 3 of chapter 8,~~ title 12, **CHAPTER 8, ARTICLE  
28 2 OR 3** or in the manner provided by any other applicable statutory provisions  
29 for the exercise of the power of eminent domain.

30 E. Property already devoted to a public use may be acquired in like  
31 manner, but real property belonging to this state or any political  
32 subdivision of this state shall not be acquired without its consent.